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## DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

## Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

## FINCH et al. v. GARRETT.

Jan. 14, 1909.

[63 S. E. 417.]

**1. Contracts (§ 97\*)—Validity—Assent—Estoppel—Ratification.**—The right to repudiate a contract for fraud is waived by enjoying its benefits after discovering the fraud.

[Ed. Note.—For other cases, see Contracts, Cent. Dig. §§ 442-446; Dec. Dig. § 97.\*]

**2. Landlord and Tenant (§ 34\*)—Rescission—Laches.**—An unexplained delay of seven years in repudiating a lease for fraud after learning the facts precluded the lessee from maintaining an action to rescind the lease.

[Ed. Note.—For other cases, see Landlord and Tenant, Cent. Dig. § 97; Dec. Dig. § 34.\*]

## NORFOLK &amp; P. TRACTION CO. v. WHITE.

Jan. 14, 1909.

[63 S. E. 418.]

**Street Railroads (§ 98\*)—Injuries to Person on Track—Contributory Negligence.**—Where plaintiff had lived near the point at which he was injured by a street car for a number of years, and the point at which his friends were to take the car was not a regular stopping place, and he knew that the car would not stop except on signal, and they knew that it might be momentarily expected, and he saw it a short distance from the crossing, and, that he might give the signal, stooped to strike a match on the rail, and in so doing projected his head over the track so that it was struck, he was guilty of contributory negligence.

[Ed. Note.—For other cases, see Street Railroads, Dec. Dig. § 98.\*]

## HALL v. HALL et al.

Jan. 14, 1909.

[63 S. E. 420.]

**1. Trusts (§ 134\*)—Trust Deed—Delivery—Operation.**—A deed,

\*For other cases, see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.